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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,284	03/04/2004	Colin N.B. Cook	2540-0702	3143

42624 7590 07/09/2008  
DAVIDSON BERQUIST JACKSON & GOWDEY LLP  
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ARLINGTON, VA 22203

EXAMINER
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SITTA, GRANT

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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07/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/792,284	<b>Applicant(s)</b> COOK ET AL.	
	<b>Examiner</b> GRANT D. SITTA	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al (2002/00383334) hereinafter, Schneider in view of Allen et al (7,002,565) hereinafter, Allen.

4. In regards to claim 11, Schneider discloses the limitations of a method of image improvement in a virtual presence architecture (VPA) (fig. 1a (12, 50 and 20a-20c)) including a host computer (fig. 1a (20a-20c)) in communication with a virtual presence server (VPS) (fig. 1a (50)), a remote computer in communication with a virtual presence client (VPC) (fig.1a (12)), the method: on each new screen resolution that is received by a VPS ([0046] and [0025-0027]), comprising: detecting at the VPS a new screen

resolution of the host computer [0069], adjusting a screen border to correspond with the new screen resolution ([0046] and [0061-0067]).

Schneider differs from the claimed invention in that Schneider does not explicitly disclose determining whether a black border is found close to the expected border location and discarding the adjusted screen border and loading a predetermined set of values for the screen border instead.

However, Allen teaches a system and method for determining if a black border is found close to the expected border location (fig. 5c col. 5, lines 53-65); and

discarding the adjusted screen border (fig. 2 (210) col. 3, lines 1-22) and loading a predetermined set of values for the screen border instead (col. 3, lines 23-45).

Examiner notes that Allen will discard and load a predetermined set of values for (col. 3, lines 23-45) the screen boarder regardless of the black border. However, Allen teaches using the black boarder to help characterize the optimal resolution.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Schneider to include the use of determining if a black border is found close to the expected border location and discarding the adjusted screen border as taught by Allen in order to properly categorize the video signal so the device can optimally display the image conveyed as stated in (col. 1, lines 30-42 of Allen).

5. In regards to claim 2, Allen discloses the limitations of loading a predetermined value, ((col. 3, lines 23-45))

Allen differs from the claimed invention in that Allen does not disclose wherein the predetermined set of values for the screen border is the Video Electronics Standards Association (VESA) set of standard values

However, Schneider teaches a system and method for wherein the predetermined set of values for the screen border is the Video Electronics Standards Association (VESA) set of standard values (table 1 and ([0060] of Schneider)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Allen to include the use of wherein the predetermined set of values for the screen border is the Video Electronics Standards Association (VESA) set of standard values as taught by Schneider in order to provide a reference to aid in the determination of other possible modes of resolution as stated in ([0060] of Schneider).

6.

7. In regards to claim 3, Schneider as modified by Allen teaches wherein the adjusting is performed by setting a capture engine to move the screen down and to the right ([0061-0064 Schneider] “the right edge of the screen is used as a reference. Thus, the system uses an initial front porch value, counts out the number of pixels in a row, and then determines if the pixel after the end of the row is black or colored”).

8. In regards to claim 4, Schneider as modified by Allen wherein the user is prompted to manually adjust the screen border to correspond with the new screen

resolution ([0062] of Schneider).

9. In regards to claim 5, Schneider as modified by Allen wherein the VPA automatically adjusts the screen (fig. 1a (12, 50 and 20a-20c) and [0063] of Schneider) border (fig. 5c and col. 3, lines 23-45 of Allen) to correspond with the new screen resolution ([0060-0066] of Schneider).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument, since the examiner feels the arguments may still be relevant, that in order to detect the beginning of the screen that one would have to change the principle of operation of the 822 patent in order to meet the "discarding" limitation (Remarks pg 5 last full paragraph), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Thus, examiner respectfully disagrees with Applicant's because Schneider as modified by Allen teaches/suggest adjusting a screen border to corresponding with a screen resolution using a black boarder and/or

predetermined set values to automatically adjust a video signal to display on a display device.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/

Supervisory Patent Examiner, Art Unit 2629

/GDS/

June 23, 2008